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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,573	03/19/2001	Yasushi Tomita	503.39860X00	6270

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EXAMINER	
RODRIGUEZ, PAUL L	

ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/810,573	TOMITA ET AL.	
	Examiner	Art Unit	
	Paul L Rodriguez	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The preliminary amendment filed 10/10/01 has been received and considered. Claims 1-7 are presented for examination.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings were received on 10/10/01. These drawings are acceptable for examination purposes.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 22a, 36, 64, 66, 68, 69, S20 and S34. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both the collection of the "Power Supply Business Entities" in figure 1 together, the "Database of Power Supplier" in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because of the following:

Replacement figures 1-3, 6A and 9 contain hand written markings that are not completely legible, the scribbled through and added in text has made most of the changes difficult to read.

Figure 8 lacks adequate labeling, recommend graphs be labeled according to the description in the specification to provide a clearer representation of the figure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only

one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The examiner has provided a number of examples of the drawing deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the drawing objections.

Specification

8. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because there is an excess of 150 words. Correction is required. See MPEP § 608.01(b).

9. The disclosure is objected to because of the following informalities

Paragraph 3 line 5 states "supplycontrol", typo.

Paragraph 4 line 7 states "...power supply satisfactory both for the..." language is awkward and broken, unclear if text is missing.

Paragraph 9 line 9 states "f ile", typo.

Paragraph 10 line 3 states "pref erred", typo.

Paragraph 23 line 18 states "conf igured", typo.

Paragraph 24 line 28-30 recites "...20b represents a transmission channel...from the entity PSa to the service center 10", figure 1 shows 20b as an arrow from 10 to PSb, and shows 22a as an arrow from PSa to 10.

Paragraph 29 line 12 states "ref erence", typo.

Paragraph 33 line 26 refers to "step 20", figure 5 and surrounding text labels step as "S20".

Paragraph 36 line 20 states "usef ul", typo.

Paragraph 36 line 21 states "f rom", typo.

Paragraph 44 line 2 recites "...will be given to made from the..." language is awkward and broken, unclear if text is missing.

Appropriate correction is required.

10. The examiner has provided a number of examples of the specification deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as

examples of deficiencies and should make all the necessary corrections to eliminate the specification objections.

Claim Objections

11. Claims 1-3 and 6 are objected to because of the following informalities:

Claim 1 line 4 refers to "a power supplier", previously "an electric power supplier", unclear if this is the same or a different separate and distinct limitation, could create an antecedent problem in the claim. Reference to the same limitations should remain consistent to avoid any possible confusion in the claims.

Claim 1 line 4 refers to "an electric power", previously "an electric power" was already recited. Unclear is this is referring to the same or a different limitation.

Claim 2 line 2 recites "the demanded power", previously "demand power" but there is no previous recitation of "demanded power", could create an antecedent problem in the claim.

Claim 3 line 6 refers to "a power supplier", previously "an electric power supplier", unclear if this is the same or a different separate and distinct limitation, could create an antecedent problem in the claim.

Claim 3 lines 6-7 refer to "an electric power", previously "an electric power" was already recited. Unclear is this is referring to the same or a different limitation.

Claim 3 line 20 recites "the demanded power", previously "demand power" but there is no previous recitation of "demanded power", could create an antecedent problem in the claim.

Claim 6 lines 2-3 states "...said demand prediction service center is said predicting portion...", "said prediction portion" was previously part of the service center, unclear how the predicting portion alone can be the service center.

Appropriate correction is required.

12. The examiner has provided a number of examples of the claim deficiencies in the above, however, the list of deficiencies may not be all inclusive. Applicant should refer to these as examples of deficiencies and should make all the necessary corrections to eliminate the claim objections.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 1 recites the limitation "said power demand prediction data" in line 11. There is insufficient antecedent basis for this limitation in the claim. Previously the claim recites "power demand prediction service", "power demand and supply record data" and "prediction calculation of demand power" but there is no recitation of "power demand prediction data" which is considered separate and distinct from the previous limitations.

16. Claim 3 recites the limitation "said power demand prediction data" in lines 13-14. There is insufficient antecedent basis for this limitation in the claim. Previously the claim recites "power demand prediction service", "power demand and supply record data" and "prediction calculation

of demand power" but there is no recitation of "power demand prediction data" which is considered separate and distinct from the previous limitations.

17. Claim 7 recites the limitation "the load curve" in line 8. There is insufficient antecedent basis for this limitation in the claim.

18. Regarding claim 7, the phrase "per se" renders the claim indefinite because it is unclear whether the limitation(s) preceding the phrase are part of the claimed invention. See MPEP § 2173.05(d).

19. Due to the number of 35 USC § 112 second paragraph rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejection(s), however, the list of rejections may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112 second paragraph problems and place the claims in a proper format.

20. Due to the vagueness and a lack of a clear definition of the terminology and phrases used in the specification and claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

22. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sinha et al (U.S. Pat 6,697,951). The claimed invention reads on Sinha et al as follows:

Sinha et al discloses (claim 1) an electric power demand prediction service method (Abstract, col. 2 lines 10-34, col. 4 line 60 – col. 5 line 5, col. 6 lines 20-50) in supplying an electric power from an electric power supplier (reference number 114, 104) to an energy consumer (reference number 102), comprising the steps of connecting a power supplier supplying an electric power to the energy consumer through a communication circuit (figure 1, reference number 120, col. 4 lines 16-34), receiving an electric power demand and supply record data measured and collected by said electric power supplier (col. 4 lines 27-60), performing prediction calculation of demand power to be supplied from said electric power supplier on the basis of said received record data (col. 4 line 60 – col. 5 line 5, col. 6 lines 20-50), delivering said power demand prediction data to said electric power supplier (col. 7 line 8 – col. 8 line 13), calculating a charge for the service producing said prediction data to said electric power supplier and delivering a result of charge calculation process to said electric power supplier (Abstract, col. 3 lines 24-38, ESP provides services to sites subscribing to the service, it is considered inherent that a charge is calculated and delivered to the supplier. Also could be considered as sending and displaying the information depicted in figure 4, charges and costs determined by the predictions), (claim 2) the prediction of the demanded power is performed using demanded power prediction data held by said electric power supplier or database of external organization in addition to power demand and supply record data (col. 4 line 35 – col. 5 line 5), (claim 3) an electric power demand prediction

service system (figures 1-3) in supplying an electric power from an electric power supplier (reference number 114, 104) to an energy consumer (reference number 102, figure 1), comprising a demand prediction service center (reference number 116) including electric power demand and supply record data receiving portion (reference number 202) connected with a power supplier supplying an electric power to the energy consumer (col. 4 lines 60-63) through a communication circuit (figure 1, 3, col. 4 line 16 – col. 5 line 5) and receiving an electric power demand and supply record data measured and collected by said electric power supplier (figure 3, col. 4 lines 35-50), predicting portion performing prediction calculation of demand power to be supplied from said electric power supplier on the basis of said received record data (col. 4 line 51 – col. 5 line 5, col. 6 lines 20-50), delivering portion delivering said power demand prediction data to said electric power supplier (col. 7 line 8 – col. 8 line 13), charge calculation processing portion calculating a charge for the service producing said prediction data to said electric power supplier (abstract, col. 3 lines 24-38, subscription for services) and delivering portion delivering a result of charge calculation process to said electric power supplier, for providing the prediction data of the demanded power to said electric power supplier (reference number 118, col. 4 line 16 – col. 5 line 5, also see comments for claim 1), (claim 4) wherein said demand prediction service center (reference number 116, ESP) performs prediction of the demanded power using demanded power prediction data held by said electric power supplier or database of external organization in addition to power demand and supply record data (col. 4 lines 51 – col. 5 line 5), (claim 5) wherein said demand prediction service center cumulatively store demanded prediction data for the electric power supplier in a customer data file and make reference to said customer data file upon demand prediction (col. 4 lines 42-50, historical information), (claim 6) wherein said demand prediction service center is said predicting portion which performs prediction of demanded power on the

basis of reception signal of a load survey data or distribution line measurement data of the electric power supplier or a result of cluster analysis of load curve record value (reference number 306, figure 4, col. 7 line 8 – col. 8 line 13, considered load survey data), (claim 7) wherein the charge processing portion to the electric power supplier in the demand prediction service center is a charge processing portion determining a charge to a customer on the basis of at least one of precision of prediction, size of geometric area, length of prediction period, time interval of prediction per se, and size of electric power variation amount in the load curve in a prediction time zone (col. 7 lines 48-56, length of prediction period). Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradlee (U.S. Pub 2002/0161624) – teaches a system and method that connects suppliers with consumers that uses a central processor to calculate near term and long term demand.

Fukui et al (U.S. Pub 2001/0025209) – teaches a system and method for connecting plural suppliers with plural customers, calculates demand and facilitates the sale and distribution of available power.

Smith et al (U.S. Pat 6,785,592) – teaches a system and method for centralized control of power distribution between suppliers and consumers based upon demand, where suppliers, consumers, and the service center communicate over the Internet, also discusses fees and contracts.

Uggerud et al (U.S. Pat 6,529,839) – teaches energy coordination system and method of connecting suppliers with consumers, where an independent energy accountant provides power distribution to customers based upon predicted energy demand.

Nierlich et al (U.S. Pat 6,519,509) – teaches a distributed network management device for managing energy use based upon demand/load forecasts.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L Rodriguez whose telephone number is (571) 272-3753. The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul L Rodriguez
Primary Examiner
Art Unit 2125

PLR
2/11/05